

Among the requirements imposed on certified local exchange carriers are the following: a CLEC must offer nondiscriminatory interconnection to its network as detailed in the Department's Decision in Docket No. 94-07-01, dated November 1, 1994; a CLEC must comply with the operational and technical requirements established by the Department's Decision in Docket No. 94-10-02, dated September 22, 1995; a CLEC must serve any and all customers seeking service in its authorized area(s) of service, as required by the Department's Decision in Docket No. 94-07-03, dated March 15, 1995; and a CLEC must offer a basic telecommunications services option as defined by the Department in its Decision in Docket No. 94-07-07, dated February 28, 1995.

Additionally, statutes and regulations subject CLECs to the Department's regulation through the following requirements: CLECs must provide a current listing of rates and charges for all authorized services; CLECs must satisfy certain filing requirements such as annual reports on its Connecticut operations, copies of the CLEC's Form 10-K and other informational filings; and CLECs are required to make prompt and reasonable investigations of each customer complaint and provide with each customer's bill a toll-free telephone number and address of the CLEC to which complaints may be addressed.

As the certifying authority, the Department has jurisdiction to ensure that CLECs comply with the above-detailed requirements, just as the Department has comparable authority over the LECs. In recognition of the responsibilities and obligations imposed on CLECs and LECs by the Department, in Docket No. 94-10-02, the Department requires CLECs and SNET to provide mutual compensation pursuant to the methodology set forth in the Decision.

The Department lacks the authority to impose the same local service responsibilities and obligations on wireless carriers providing services in Connecticut. Such authority, with the narrow exception that allows the Department to impose universal service, Lifeline, and TRS funding responsibilities on wireless carriers (see Decision, Docket No. 94-07-08, dated March 31, 1995, and Decision, Docket No. 94-07-09, dated May 3, 1995), belongs to the FCC. Without the corresponding ability to impose local service obligations and responsibilities on wireless carriers, the Department will not authorize SNET to enter into mutual compensation agreements with such carriers. Wireless carriers, therefore, are limited to the mutual compensation provided for by federal law and the rules and regulations of the FCC, i.e. compensation for interstate traffic.

A wireless carrier may, however, seek certification as a CLEC in Connecticut. By obtaining a certificate of public convenience and necessity, a wireless carrier would simultaneously be subject to the responsibilities and obligations imposed on all CLECs in Connecticut and eligible for mutual compensation as detailed in the Department's Decision in Docket No. 94-10-02, dated September 22, 1995.

V. CONCLUSION

The Department lacks the authority to impose the same local service responsibilities and obligations on wireless carriers as it has imposed on CLECs and LECs. Such jurisdiction, with the narrow exception that allows the Department to impose universal service, Lifeline, and TRS funding responsibilities on wireless carriers, belongs to the FCC. In the absence of authority to impose local service obligations and responsibilities on wireless carriers, the Department will not authorize mutual compensation between SNET and such carriers. Unless and until a wireless carrier seeks certification in Connecticut as a CLEC, such wireless carrier is limited to the mutual compensation provided for by federal law and the rules and regulations of the FCC, i.e. compensation for interstate traffic.

VI. FINDINGS

1. The Department has the authority to adjudicate issues of mutual compensation for intrastate telecommunications services.
2. Pursuant to its authority over CLECs and LECs, in previous Decisions the Department has imposed local service responsibilities and obligations on CLECs and LECs and has required mutual compensation between SNET and CLECs.
3. Jurisdiction over wireless carriers, with the narrow exception that allows the Department to impose universal service, Lifeline and TRS funding responsibilities on wireless carriers, belongs to the FCC.
4. In the absence of authority to impose local service obligations and responsibilities on wireless carriers, the Department will not extend the benefit of mutual compensation to such carriers.
5. Wireless carriers are limited to the mutual compensation provided for by federal law and the rules and regulations of the FCC, i.e. compensation for interstate traffic.
6. A wireless carrier would be eligible for mutual compensation for intrastate traffic if such wireless carrier became certified as a CLEC in Connecticut.

**DOCKET NO. 95-04-04 DPUC INVESTIGATION INTO WIRELESS MUTUAL
COMPENSATION PLANS**

This Decision is adopted by the following Commissioners:

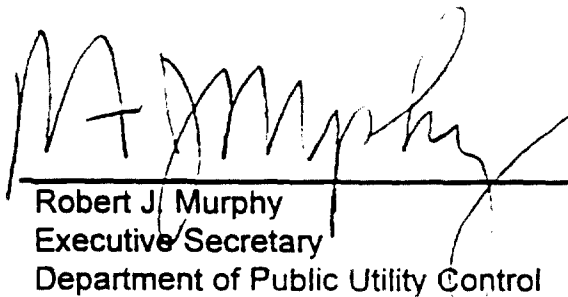
Thomas M. Benedict

Reginald J. Smith

Jack R. Goldberg

CERTIFICATE OF SERVICE

The foregoing is a true and correct copy of the Decision issued by the Department of Public Utility Control, State of Connecticut, and was forwarded by Certified Mail to all parties of record in this proceeding on the date indicated.



Robert J. Murphy
Executive Secretary
Department of Public Utility Control

SEP 25 1995

Date